

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARIO A. ESPINOSA and ROSE T. ESPINOSA

PLAINTIFFS

V.

CIVIL ACTION NO.1:06CV896 LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY

DEFENDANT

**MEMORANDUM OPINION AND ORDER GRANTING DEFENDANT'S
MOTION TO STRIKE DONALD DINSMORE AS AN EXPERT WITNESS
and TO STRIKE THE SUPPLEMENTAL REPORT OF STEPHEN WINTAR**

The Court has before it the motion [104] of Defendant Nationwide Mutual Fire Insurance Company (Nationwide) to strike Donald Dinsmore (Dinsmore) as a proposed expert witness and to strike the supplemental report of Stephen Wintar (Wintar), another expert witness.

The deadline for the designation of expert witnesses established in the scheduling order for this action was January 31, 2007. Dinsmore was not timely designated. By order [100] entered September 13, 2007, United States Magistrate Judge Walker denied a motion by the plaintiffs to extend the deadline for the designation of experts. Plaintiffs have offered no evidence or argument that would justify a departure from this ruling. In that same order, Magistrate Judge Walker granted a motion by Nationwide to preclude the submission of Wintar's supplemental report. Plaintiffs have offered no evidence or argument that would justify a departure from this ruling.

Accordingly, it is

ORDERED

That the motion [104] of Nationwide Mutual Insurance Company to strike Donald Dinsmore as an expert witness designated by the plaintiffs is hereby **GRANTED**; and

That the motion [104] of Nationwide Mutual Insurance Company to strike the supplemental report of Stephen Wintar is hereby **GRANTED**.

DECIDED and **SO ORDERED** this 30th day of January, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE